

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

JOHN DYESS)	
)	
Plaintiff,)	
)	
)	
v.)	
)	CIVIL ACTION NO. 3:07cv635-WKW
AUBURN UNIVERSITY,)	
)	
Defendant.)	

ORDER ON MOTION

On 7 April 2008, Defendant Auburn University filed a Motion to Amend Uniform Scheduling Order (Doc. #31). Specifically, Defendant requests this Court amend the Scheduling Order Section 3 requirement that the parties conduct a face-to-face settlement. As a basis for this Motion, Defendant states the probability of settlement is low and that a face-to-face meeting would be an unnecessary burden and expense for both the Plaintiff and the Defendant.

Defendant suggests that because the Scheduling Order states that “[o]n or before May 2, 2008, **counsel** for all parties shall conduct a face-to-face settlement conference at which counsel shall engage in good faith settlement negotiations,” (Doc. #22 at 2) (emphasis added), the Court may not normally intend for this section to apply in *pro se* cases. The Court can assure the parties that it does intend for this section to apply in *pro se* cases and that the Court considers *pro se* litigants as counsel of record for procedural purposes. Defendant has failed to show good cause as to why the Court’s Scheduling Order should be

amended. Accordingly, it is

ORDERED that the Motion (Doc. #31) is DENIED. The parties are reminded of their obligation to not only engage in face-to-face negotiations, but to do so in good faith.

Done this 7th day of April, 2008.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE